

## Extended Producer Responsibility Basics for Proposed Legislation

Legislation that incorporates an effective Extended Producer Responsibility (EPR) approach must include the following general key elements that are extremely critical for successful implementation. CalRecycle is available to provide assistance.

- **Tiered Definition of Manufacturer/Producer.** Important for streamlined enforcement (and lower fiscal impacts to state government agency) at first point of entry into California and for providing a level playing field to all Manufacturers/Producers.<sup>1</sup>
  - 1<sup>st</sup> Tier – Manufacturer of the product
  - 2<sup>nd</sup> Tier – Importer/Distributor of the product
  - 3<sup>rd</sup> Tier – Retailer who sells the product
- **Sales Ban at the Manufacturer/Producer Level Only.** Important to be coupled with tiered definition of Manufacturer/Producer for streamlined enforcement and lower fiscal impacts.
- **Funding.**
  - Program funds are managed by the Manufacturer/Producer or Stewardship Organization to implement the Stewardship Plan and reimburse state government agency for oversight/enforcement expenses.
  - Program costs should be internalized as any other cost of doing business.
  - If a visible assessment is used, it must be approved by state government agency and not applied at the point of disposal.
- **Goals.**
  - Must be meaningful, clear, enforceable, and quantitative. Without this, it is very difficult to take enforcement action against the Manufacturer/Producer or Stewardship Organization.
  - Set in statute, or statute provides a date by which state government agency must set goal(s).
- **Stewardship Organization.**
  - Manufacturers/Producers must operate under an approved Stewardship Plan, either individually or as members of a Stewardship Organization.
- **Stewardship Plan, Annual Reports.**
  - Manufacturer/Producer or Stewardship Organization must submit and implement a Stewardship Plan that will result in achievement of the goal(s) required in statute.
  - Manufacturer/Producer or Stewardship Organization must submit Annual Reports to state government agency that contain data to ensure meaningful progress and ability of state government agency to enforce the requirements of the law; and provide feedback on Stewardship Plan implementation.
- **Oversight & Enforcement.** State Government Agency:
  - Reviews and approves Stewardship Plans and Annual Reports.
  - Provides inspection and enforcement to ensure a level playing field among Manufacturers/Producers. Important to be coupled with tiered definition.
  - Receives reimbursement by a Manufacturer/Producer or Stewardship Organization for its full costs of oversight/enforcement.
  - Audits entities participating in the EPR for compliance with statute and regulations.

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<sup>1</sup> The Standard Checklist provides a complete sample definition: [www.calrecycle.ca.gov/EPR/Resources/ChecklistStd.doc](http://www.calrecycle.ca.gov/EPR/Resources/ChecklistStd.doc)